



## WYOMING LEGISLATIVE SERVICE OFFICE

# Research Memorandum

## APPROACHES TO INVESTIGATING COLD CASES IN OTHER STATES

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by

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This memorandum provides information on different approaches to address cold (or unsolved) cases in five states: Arkansas, Colorado, Maine, Texas, and Utah. One approach adopted in Colorado, Maine, and Texas is to set up cold case units with a full-time staff working exclusively on unsolved cases. The Colorado legislature has also created a task force composed of legislators and executive personnel that reviews best cold case investigation practices and reports its findings to the legislature. Arkansas and Texas receive support from retired police officers to pursue cold case investigations. In Arkansas, retired police officers may either volunteer for the cold case unit within the State's police and receive an income tax credit or become paid contractors. In Texas, the cold case unit receives voluntary assistance from a task force composed of retired police officers. Colorado, Maine, and Texas also have sought the support of professionals from various disciplines, including forensic and medical experts. The last approach described in this memorandum and used in Utah and Colorado is to create a statewide database that maintains evidence and investigation files for each cold case.

The memorandum also surveys initiatives by local law enforcement agencies to obtain external assistance to support cold case investigations.

### STATEWIDE INITIATIVES

**ARKANSAS:** Arkansas has taken a two-prong approach to provide resources for solving cold cases. The Arkansas State Police Cold Case Squad receives support from retired police officers acting either as volunteers receiving an income tax credit or paid contractors.

#### a. Income Tax Credit for Volunteers

In 2021, the Arkansas General Assembly enacted legislation offering state income tax credits up to \$3,500 for eligible retired police officers volunteering as investigators with the Arkansas State

Police Cold Case Squad.<sup>1</sup> Investigators who spend at least 1,000 hours annually volunteering on cold cases are eligible for the full tax credit amount, and investigators logging fewer than 1,000 hours receive a pro-rata share of the credit.<sup>2</sup> Arkansas statutes specify that an investigator may not receive a tax credit whose amount exceeds the amount of income tax an investigator owes in a year, but any unused tax credit may be carried forward for two consecutive tax years.<sup>3</sup>

#### **b. Paid Contractors**

The 2021 legislation also authorized retired police officers to work on cold cases for the Arkansas State Police Cold Case Squad.<sup>4</sup> Retired police officers receive an hourly compensation of \$24.15 but are limited to 1,500 hours of work a year.<sup>5</sup> Funding to compensate retired police officers comes from the State's general revenue.<sup>6</sup>

#### **c. Eligibility**

For retired police officers to be eligible for either voluntary or paid service with the Cold Case Squad, they must meet the following criteria:

- Be a former law enforcement officer who retired in good standing;
- Not be decertified as a law enforcement officer by any state;
- Have a minimum of five years of criminal investigative experience;
- Consent to and successfully pass a criminal background investigation and drug screen; and
- Sign a non-disclosure agreement regarding the information obtained while volunteering or working for the Arkansas State Police Cold Case Squad.<sup>7</sup>

**COLORADO:** In 2007, the Colorado General Assembly created two statutory mechanisms to address cold cases: the Cold Case Homicide Team and the Cold Case Task Force.

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<sup>1</sup> Arkansas Acts 2021, No. 841, § 1; Ark. Code Ann. § 26-51-515(a)(1).

<sup>2</sup> Ark. Code Ann. § 26-51-515(a)(2)(A), (B).

<sup>3</sup> Ark. Code Ann. § 26-51-515(c), (d).

<sup>4</sup> Ark. Code Ann. § 26-51-515(b)(2).

<sup>5</sup> Email from John Smith, Chief Financial Officer, Arkansas Department of Safety, to Pierre Chesnais, Associate Research Analyst, Wyoming Legislative Service Office (Mar. 28, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> Arkansas Department of Public Safety, Rules for Income Tax Credit for Retired Law Enforcement Officers Working Cold Cases, <https://www.dps.arkansas.gov/wp-content/uploads/2022/05/CLEAN-Copy-Rules-for-Retired-Cold-Case-Investigators-004.pdf> (last visited Mar. 28, 2023).

**a. Cold Case Homicide Team**

The Cold Case Homicide Team serves within the Colorado Bureau of Investigation and is composed of one dedicated investigator and an unspecified number of interns.<sup>8</sup> The Team:

- Must develop a database containing information “related to each homicide investigation that is open in a Colorado jurisdiction for more than three years from the date of the commission of the crime and was committed since 1970.”<sup>9</sup>
- May assist “local law enforcement agencies, upon request and within existing appropriations, on homicide investigations.” The Team may decline to provide assistance but must provide the local law enforcement agency a written explanation of its decision and include the written explanation in the database.<sup>10</sup>
- May investigate cold cases at the request of a homicide victim’s family member. However, the family member must first request assistance from the Team through the local law enforcement agency that is investigating the homicide. If the local law enforcement agency decides not to ask the Team for assistance, it must provide the family member and the Colorado Bureau of Investigation a written explanation of its decision. If the Team receives a request for assistance and decides not to assist the local law enforcement agency, it must provide the local law enforcement agency a written explanation of its decision. Reasons for declining to request or provide assistance must be included in the database.<sup>11</sup>

**b. Cold Case Task Force**

The Cold Case Task Force is composed of 16 members, which includes legislators and executive-branch personnel, and reviews cold case homicide investigation strategies and best practices.<sup>12</sup> Every year, the task force reports its findings to the State’s Senate and House of Representatives Judiciary Committees.<sup>13</sup>

**c. Cold Case Review Team**

In 2009, the Colorado Bureau of Investigation created the Cold Case Review Team to serve as an additional investigative tool for local investigative agencies.<sup>14</sup> The Team consists of professional

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<sup>8</sup> Colorado Bureau of Investigation, Colorado Cold Cases, <https://cbi.colorado.gov/sections/investigations/cold-case> (last visited Mar. 28, 2023).

<sup>9</sup> Col. Rev. Stat. § 24-33.5-425(2)(a). The Colorado Bureau of Investigation must adopt rules specifying the information to be collected and maintained in the database. *Id.*

<sup>10</sup> Col. Rev. Stat. § 24-33.5-425(3)(a).

<sup>11</sup> Col. Rev. Stat. § 24-33.5-425(3)(b).

<sup>12</sup> Col. Rev. Stat. § 24-33.5-109.

<sup>13</sup> Col. Rev. Stat. § 24-33.5-109(8).

<sup>14</sup> Colorado Bureau of Investigation, Cold Case Review Team, <https://cbi.colorado.gov/sections/investigations/cold-case> (last visited Mar. 28, 2023).

investigative, analytical, and forensic experts from across Colorado and meets sporadically throughout the year.<sup>15</sup>

**MAINE:** In 2013, the Maine Legislature required the State’s Attorney General and the Department of Safety Commissioner to establish a cold case homicide unit within the Office of the Attorney General to work exclusively on unsolved murder cases.<sup>16</sup> The unit is composed of:

- Two detectives and one forensic chemist from the Maine State Police; and
- A dedicated prosecutor from the Office of the Attorney General.<sup>17</sup>

Starting in 2015, the Maine Legislature has appropriated funding to compensate personnel from the Maine State Police and the prosecutor from the Attorney General’s Office.<sup>18</sup> Prior to 2015, the Commissioner of Public Safety and the Attorney General pursued federal funding.<sup>19</sup>

The team receives support from a victim advocate dedicated to serving the victims’ family members, as well as law enforcement personnel, medical examiners, and forensic scientists.<sup>20</sup>

**TEXAS:** In 2021, the Texas Attorney General's Office established the Cold Case and Missing Persons Unit to assist local law enforcement agencies that request support with unsolved cases by providing investigative assistance, training opportunities, forensic testing, and legal research.<sup>21</sup> Two entities composed of volunteers —the Retired Homicide Investigators Task Force and the Advisory Committee— support the Cold Case and Missing Persons Unit.

#### **a. The Retired Homicide Investigators Task Force**

The Retired Homicide Investigators Task Force is composed of eight retired police officers who evaluate cold cases. The task force informs the Cold Case and Missing Persons Unit of possible investigative leads, including potential witnesses, suspects, and evidence for forensic testing.<sup>22</sup>

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<sup>15</sup> *Id.*

<sup>16</sup> Maine PL 2013, c. 585, § 1; 5 M.R.S. § 200-J.

<sup>17</sup> Office of the Maine Attorney General, Homicides – The Unsolved Homicide Unit, [https://www.maine.gov/ag/crime/crimes\\_we\\_prosecute/homicides.shtml](https://www.maine.gov/ag/crime/crimes_we_prosecute/homicides.shtml) (last visited Mar. 28, 2023).

<sup>18</sup> Email from Suzanne Voynik, Fiscal Analyst, Maine Office of Fiscal and Program Review, to Pierre Chesnais, Associate Research Analyst, Wyoming Legislative Service Office (Mar. 23, 2023).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Attorney General of Texas, Cold Case and Missing Persons Unit, <https://www.texasattorneygeneral.gov/divisions/criminal-justice/cold-case-and-missing-persons-unit> (last visited Mar. 28, 2023).

<sup>22</sup> Attorney General of Texas, Retired Homicide Investigators Task Force,

### b. Advisory Committee

The advisory committee consists of volunteers who are experts in homicide investigations, research, genealogy, and forensic science. The advisory committee provides guidance on trends in forensic science and technology, available training opportunities, trends in genealogy research, and best practices to use in investigating and prosecuting cold cases.<sup>23</sup>

**UTAH:** In 2018, the Utah Legislature passed legislation requiring the Criminal Investigations and Technical Services Division within the Department of Public Safety to develop a cold case database.<sup>24</sup> Utah defines a cold case as an investigation into one of seven specified categories of crimes, mostly murder and kidnapping offenses, that remains unsolved for at least three years after the crime occurred or the person went missing.<sup>25</sup> The 2018 legislation also requires law enforcement agencies to provide information on cold cases to the Division for inclusion in the database and to maintain the physical evidence and investigation files for cold cases.<sup>26</sup>

## MUNICIPAL INITIATIVES

In 2019, the National Institute of Justice published a report on best practices for implementing and sustaining a cold case investigation unit.<sup>27</sup> The report highlights four local law enforcement agencies that sought external voluntary assistance from law professors, medical experts, retired detectives, or military analysts to investigate cold cases.<sup>28</sup> (See **Appendix A**)

If you have any further questions, please do not hesitate to contact LSO Research and Evaluation at 777-7881.

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<https://www.texasattorneygeneral.gov/divisions/criminal-justice/cold-case-and-missing-persons-unit/retired-homicide-investigators-task-force> (last visited Mar. 28, 2023).

<sup>23</sup> Attorney General of Texas, Advisory Committee Members,

<https://www.texasattorneygeneral.gov/divisions/criminal-justice/cold-case-and-missing-persons-unit/retired-homicide-investigators-task-force> (last visited Mar. 28, 2023).

<sup>24</sup> 2018 Utah Session Laws Ch. 169, § 2; Utah Code Ann. § 53-10-115(2).

<sup>25</sup> Utah Code Ann. § 53-10-115(1). The specified crimes are a capital felony, aggravated murder, murder, manslaughter, child abuse homicide, aggravated kidnapping, and child kidnapping. Utah Code Ann. § 76-1-301(2)(a) through (g).

<sup>26</sup> Utah Code Ann. § 53-10-115(4).

<sup>27</sup> U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *National Best Practices for Implementing and Sustaining a Cold Case Investigation Unit* (2019),

<https://www.ojp.gov/pdffiles1/nij/252016.pdf>.

<sup>28</sup> *Id.*

# **Appendix A**

## Municipal Initiatives

### Examples of External Assistance

- The Los Angeles County Sheriff's Office employs "hire-backs" (retired detectives) for case reviews and similar duties.
- The Tulsa (Oklahoma) Police Department uses a variety of external professionals, including professors.
- The Venice (Florida) Police Department uses retired military analysts. These volunteers have previously held high clearances, have the available time, and can bring a creative, non-law enforcement mindset to an investigation.
- The Charlotte-Mecklenburg (North Carolina) Police Department uses retired law enforcement officers, engineers, pilots, other professionals, and criminal justice professors on their cold case review teams.<sup>1</sup> Investigators have remarked that professionals bring education and experience outside of law enforcement to approach investigations with a different mindset.<sup>2</sup>

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1. Russell, August 3, 2017.

2. Price, 2017.

Source: National Institute of Justice, U.S. Department of Justice (2019)